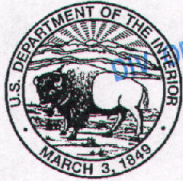


RECEIVED
DEC 09 2013

5162710024
cc: Peter



DIVISION OF OIL, GAS & MINING

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Fillmore Field Office

95 E 500 N

Fillmore, UT 84631

<http://www.blm.gov/ut/st/en/fo/fillmore.html>



IN REPLY REFER TO:
3809 (UTW02000)
UTU-70615

December 3, 2013

CERTIFIED MAIL # 7012 3460 0000 6633 0571
RETURN RECEIPT REQUESTED

DECISION

David L. Penney	:	43 CFR 3809
P.O. Box 312	:	Surface Management Notice
Beaver, UT 84713	:	

Notice Expired – Reclamation Required or Mineral Materials Sale Completion

Your Notice for obsidian several miles north of Antelope Spring in Millard County, Utah has been expired for over eight years. This Notice, the Little Spot operation, is located in aliquot parts of section 22, Township 24 South, Range 09 West; Salt Lake Meridian. The Notice is located on an Active Mining Claim; Little Spot # 2, serial number UMC335439.

Your Notice was assigned Bureau of Land Management (BLM) case file number UTU-70660 when it was established on April 26, 1990. Please refer to this number for any future communication concerning the Notice. The corresponding case file number with the Utah Division of Oil, Gas, and Mining (UDOGM) is S/027/0024.

You also previously submitted a Plan of Operations (Plan) proposal for this site, UTU-85881, on October 17, 2007 and agreed to a Mineral Materials negotiated sale from this site, UTU-87827, in December 2009. You were notified in a letter sent by certified mail, dated February 22, 2008, that the Plan was incomplete and specific additional information was needed. To date, the Plan proposal remains incomplete. On February 9, 2010, you were notified in a letter sent by certified mail that a processing fee, or 'cost recovery', is required by regulations for the BLM to process sales of Mineral Materials, as specified by 43 CFR § 3602.11(c) and 43 CFR § 3602.31(b). No response was received to the 'cost recovery' letter.

Notice Expired – Your Notice expired on January 20, 2005. As specified by the Code of Federal Regulations (CFR) in 43 CFR § 3809.335(a), when your Notice expires, you must – (1) Cease operations, except reclamation, and (2) Complete reclamation promptly according to your Notice. As stated in 43 CFR § 3809.335(b), your reclamation obligations continue beyond the expiration or any termination of your Notice until you satisfy them.

You were previously notified in a letter sent by certified mail, dated April 25, 2007, that your Notice at this location was expired and reclamation was required. You must complete reclamation at the site, submit a new Notice or a complete Plan of Operations proposal, or complete the Mineral Materials negotiated sale, UTU-87827.

If you wish to continue operations other than reclamation at the site, then alternatives are completion of the negotiated sale, submission of a new Notice for exploration, or submission of a complete Plan for mining. All options would include responsibility for reclamation of existing surface disturbances, as well as any proposed new surface disturbances. Please notify the BLM Fillmore Field Office (FFO) of your intentions for this site within 30 days.

If you do not initiate reclamation at the site, complete the Mineral Materials negotiated sale, or submit a new Notice or complete Plan proposal, then the currently held Financial Guarantee, or reclamation bond, amount of \$9,800 will be subject to forfeiture. The forfeiture would be required for failure to properly maintain the financial guarantee and failure to reclaim the expired 43 CFR § 3809 Notice, UTU-70660, as required. As specified in 43 CFR § 3809.598, if the amount forfeited is insufficient to pay for the full cost of reclamation, then the operators and mining claimants are also liable for the remaining costs.

Plan of Operations Submission – If you wish to continue mining operations at this location, please submit a complete Plan of Operations proposal within 30 days to the BLM Fillmore Field Office (FFO), or please contact us to explain the reason a delay is required. The content requirements to file a Plan of Operations are described in 43 CFR § 3809.401. Fillmore Field Office will provide a copy of these regulations and assistance upon request.

Reclamation Required – If you prefer not to continue operations at this location, then you are responsible for reclamation of surface disturbances. Within 30 days of issuance of this decision, you must commence reclamation activity required by your Notice on file with the BLM and with regulations as specified in 43 CFR § 3809.335. Surface disturbance areas such as access roads within the claim and the quarry area must be regraded to conform to the surrounding topography. Reshaped surfaces must be covered with a soil growth medium and the surfaces must be seeded with an appropriate seed mix. The seed mix will be provided by the BLM Fillmore Field Office upon request.

All initial reclamation activity, including required earthwork and reseeding, must be completed within 60 days of this decision or within 60 days of the initiation of activities after notification to the BLM of the reason for delay. BLM resource specialists will continue to monitor your progress in meeting your reclamation obligations, including the success of the re-vegetation in the disturbed area. The BLM will inform you when all reclamation standards have been met and whether your obligations are complete.

Should you decide not to file a Plan of Operations and fail to commence reclamation within 30 days of this decision, or fail to complete necessary reclamation within 60 days of issuance of this decision, BLM will initiate reclamation procedures and the bill for reclamation will be sent to you as the responsible party. If necessary, collection procedures will be initiated if the reclamation bill is not paid, as specified under 43 CFR § 3809.336(b).

If you decide not to file a Plan of Operations and are unable to initiate reclamation activities due to weather or other factors, contact the BLM Fillmore Field Office to explain the reason for the delay. The BLM will work with you to prepare a schedule so that you may complete reclamation to BLM standards and avoid an outstanding bill.

Appeal of the Decision - If you do not agree and are adversely affected by this decision, in accordance with 43 CFR §3809.800, you may request that the BLM Utah State Director review this decision. If you request a State Director review, the request must be received in the BLM Utah State Office at:

Utah State Office
Bureau of Land Management
440 West 200 South, Suite 500
Salt Lake City, Utah 84101-1345

The request must be received no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to the FFO. The request must be in accordance with the provisions provided in 43 CFR §3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision regarding your request for review of this decision within 21 days of the BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM Utah State Office to determine when the BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the FFO at:

Fillmore Field Office
Bureau of Land Management
95 East 500 North,
Fillmore, Utah 84631

Your notice of appeal must be filed within 30 days from the receipt of this decision. The appellant has the burden of proof showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal.

A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the IBLA and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with the FFO. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

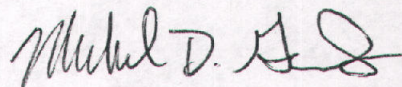
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied
2. The likelihood of the appellants success on the merits
3. The likelihood of immediate and irreparable harm in the stay is not granted
4. Whether the public interest favors granting the stay

If you have any questions or concerns please contact Duane Bays, Natural Resource Specialist, Fillmore Field Office, at (435) 743-3115.

Sincerely,



Michael D. Gates
Field Office Manager

Enclosures:

Form 1842-1
Active Mining Claims List for T11S R07W, sec. 05 (Littel Spot # 2 claim)
UMC369325 (Littel Spot # 2 claim)

cc: Opie Abeyta and Rita Stelmach
Utah State Office
Bureau of Land Management
440 West 200 South, Suite 500
Salt Lake City, UT 84101-1345

Paul Baker
UDOGM
1594 W North Temple Ste 1210
SLC, UT 84114-5801

**DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MINING CLAIMS**

Run Date/Time: 11/25/2013 10:26 AM

(LIVE) Serial Register Page

Page 1 of 2

01 05-10-1872;017STAT0091;30USC26,28,34

Case Type 384101: LODE CLAIM

Claim Name: LITTEL SPOT # 2

Commodity 800: TWO OR MK

Case Disposition: ACTIVE

Required Maintenance Fee: \$140.00

Total Acres

20.660

Serial Number

UMC335439

Lead File Number

UMC335439

Name & Address

Int Rel

PENNEY DAVID L

PO BOX 312

BEAVER, UT 84713-0312

CLAIMANT

Mer Twp Rng Sec Quadrant

District/Field Office

County

26 0240S 0090W 022

SW

FILLMORE FIELD OFFICE

MILLARD

Act Date	Code	Action	Action Remarks	Receipt Number
05/05/1990	403	LOCATION DATE		
08/01/1990	395	RECORDATION NOTICE RECD		
08/16/2013	682	MAINTENANCE FEE/\$140	2014;\$140	2856881
08/27/2012	682	MAINTENANCE FEE/\$140	2013;\$140	2640793
08/22/2011	682	MAINTENANCE FEE/\$140	2012	2410782
08/26/2010	682	MAINTENANCE FEE/\$140	2011	2200764
08/21/2009	682	MAINTENANCE FEE/\$140	2010	1983737
08/19/2008	582	MAINTENANCE FEE/\$125	2009	1765637
08/20/2007	582	MAINTENANCE FEE/\$125	2008	1547441
08/02/2006	582	MAINTENANCE FEE/\$125	2007	1326188
08/24/2005	582	MAINTENANCE FEE/\$125	2006	1136591
04/30/2004	482	MAINTENANCE FEE/\$100	2005	866435
07/24/2003	482	MAINTENANCE FEE/\$100	2004	722569
05/07/2002	482	MAINTENANCE FEE/\$100	2003	488791
09/01/2001	482	MAINTENANCE FEE/\$100	2002	375926
08/16/2000	482	MAINTENANCE FEE/\$100	2001	169340
08/18/1999	482	MAINTENANCE FEE/\$100	2000	
08/18/1999	481	NOTICE OF INTENT TO HOLD	1999	2522438
08/21/1998	483	SMALL MINER CERT FILED	1999	
08/21/1998	480	EVID OF ASSMT FILED	1998	
07/18/1997	483	SMALL MINER CERT FILED	1998	
07/18/1997	480	EVID OF ASSMT FILED	1997	
08/14/1996	483	SMALL MINER CERT FILED	1997	
08/14/1996	480	EVID OF ASSMT FILED	1996	
08/23/1995	482	MAINTENANCE FEE/\$100	1996	
08/31/1994	482	MAINTENANCE FEE/\$100	1995	
08/30/1993	482	MAINTENANCE FEE/\$100	1994	
08/30/1993	482	MAINTENANCE FEE/\$100	1993	
12/30/1992	480	EVID OF ASSMT FILED	1992	

**NO WARRANTY IS MADE BY BLM
FOR USE OF THE DATA FOR
PURPOSES NOT INTENDED BY BLM**

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MINING CLAIMS

Run Date/Time: 11/25/2013 10:26 AM

(LIVE) Serial Register Page

Page 2 of 2

09/13/2011	379	REFUND AUTHORIZED	\$280.00;CLOSED	2410782
08/09/2004	391	CURABLE \$25 MAINT FEE	2005	923563
10/10/1990	963	CASE MICROFILMED		
08/28/1990	669	LAND STATUS CHECKED		
08/01/1990	500	MAP IN LEAD FILE	UMC335439;	
08/01/1990	501	ACCT ADV IN LEAD FILE	UMC335439;	
05/16/1990	404	COUNTY RECORDATION		

Line Nr Remarks

NO WARRANTY IS MADE BY BLM
FOR USE OF THE DATA FOR
PURPOSES NOT INTENDED BY BLM

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
LIST OF MINING CLAIMS BY SECTION

MTRS: 26 0240S 0090W 022

<u>Serial Number</u>	<u>Quad</u>	<u>Claim Name</u>	<u>Claimant</u>	<u>Lead File</u>	<u>Case Type</u>	<u>Status</u>	<u>Loc Date</u>	<u>Last Assmt</u>
UMC335439	SW	LITTEL SPOT # 2	PENNEY DAVID L	UMC335439	384101	ACTIVE	05/05/1990	2014